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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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EXAMINER

ENGLAND, DAVID E

ART UNIT	PAPER NUMBER
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2143

DATE MAILED: 06/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/884,741

Applicant(s)

HOLZER, DAVID

Examiner

David E. England

Art Unit

2143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 June 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1 – 30 are presented for examination.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the “payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser” must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

Art Unit: 2143

drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claims 10 – 12, 18 and 30 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

6. The limitation of, "the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information", disclosed in claims 10 and 18, is not found or described in the

Art Unit: 2143

specification. Applicant is asked to amend the claim or specifically point out in the specification and drawings where this limitation could be interpreted in view of the claim language.

7. The limitation of, "payor is selected form the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser", disclosed in claim 30, is not found or described in the specification. Applicant is asked to amend the claim or specifically point out in the specification and drawings where this limitation could be interpreted in view of the claim language.

8. Claims 11 and 12 are rejected under 35 U.S.C. 112, first paragraph, for it dependency on the claims discussed above.

Claim Rejections - 35 USC § 102

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the

Art Unit: 2143

reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1, 2, 4, 6 – 8 and 17 are rejected under 35 U.S.C. 102(e) as being anticipated by Ward et al. U.S. Patent No. 6784924 (hereinafter Ward).

11. Referencing claim 1, as closely interpreted by the Examiner, Ward teaches a method comprising:

12. receiving at a service aggregator information from a device, (e.g. col. 2, line 59 – col. 3, line 14); and

13. transmitting information from the service aggregator to the device directing the device to communicate with a service provider, (e.g. col. 2, line 59 – col. 3, line 14).

14. Referencing claim 2, as closely interpreted by the Examiner, Ward teaches comprising the service aggregator communicating information about the device to the service provider, (e.g. col. 2, line 59 – col. 3, line 14).

15. Referencing claim 4, as closely interpreted by the Examiner, Ward teaches the service aggregator communicating user options to the device, (e.g. col. 2, line 59 – col. 3, line 14, “*preferences*”).

16. Referencing claim 6, as closely interpreted by the Examiner, Ward teaches the information from the device is input by a user, (e.g. col. 3, lines 14 – 39, “*take pictures*”).

17. Referencing claim 7, as closely interpreted by the Examiner, Ward teaches receiving from the service provider an aggregation of choices for the device, (e.g. col. 1, lines 51 – 67, “*selected destination*”).

18. Referencing claim 8, as closely interpreted by the Examiner, Ward teaches the choices are displayed on the device and a user may select a specific choice, (e.g. col. 3, lines, 15 – 39, “...*which are displayed on the LCD...*”).

19. Claim 17 is rejected for similar reasons as stated above.

20. Claims 13 – 16, 19 – 24 and 27 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al. (6636259) (hereinafter Anderson).

21. Referencing claim 13, as closely interpreted by the Examiner, Anderson teaches a method of device relationship management, comprising:

22. determining a new connection event from a device, (e.g. col. 10, lines 38 – 53);

23. sending a new connection message to the device, (e.g. col. 10, lines 54 – 64);

24. determining and optionally updating the device, (e.g. col. 10, lines 30 – 37);

25. sending messages to the device, (e.g. col. 10, lines 38 – 53);

26. receiving user input from the device, (e.g. col. 10, lines 15 – 29); and

27. configuring the device, (e.g. col. 10, lines 38 – 53).

Art Unit: 2143

28. Referencing claim 14, as closely interpreted by the Examiner, Anderson teaches updating the device comprises updating the device's memory, (e.g. col. 10, lines 38 – 53).

29. Referencing claim 15, as closely interpreted by the Examiner, Anderson teaches determining a service provider, (e.g. col. 10, lines 30 – 37); and

30. transferring to the device communication information about the service provider, (e.g. col. 10, lines 38 – 53).

31. Referencing claim 16, as closely interpreted by the Examiner, Anderson teaches transferring to the device communication information about the service provider further comprises instructing the device to establish a connection with the service provider, (e.g. col. 10, lines 38 – 53).

32. Claims 19 – 24 and 27 – 28 are rejected for similar reasons stated above.

Claim Rejections - 35 USC § 103

33. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Art Unit: 2143

34. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Morris (6353848).

35. As per claim 3, Ward does not specifically teach the service aggregator communicating update information to the device. Morris teaches the service aggregator communicating update information to the device, (e.g. col. 14, lines 12 – 30). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Morris with Ward because it would be more convenient for a system to download the update information that could enable a user to use software that could give a device added features on said device in a network than having the device separately install the software from a portable disk, (i.e. CD ROM).

36. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Mighdoll et al. (6662218) (hereinafter Mighdoll).

37. As per claim 5, as closely interpreted by the Examiner, Ward does not specifically teach the service provider communicating update information to the device. Mighdoll teaches the service provider communicating update information to the device, (e.g. col. 16, lines 38 – 56). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Mighdoll with Ward because of similar reasons stated above.

38. Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Anderson (6636259).

39. As per claim 9, as closely interpreted by the Examiner, Ward does not specifically teach the choices are account choices. Anderson teaches the choices are account choices, (e.g. col. 10, lines 54 – 63). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Ward because providing the camera with default ISP info and returning new ISP info, may be omitted.

40. Claims 10 – 12 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ward (6784924) in view of Anderson (6636259) in further view of Cook et al. (6636259) (hereinafter Cook).

41. As per claim 10, as closely interpreted by the Examiner, Ward teaches the information received at the service aggregator is selected from the group consisting of device attribute information, account information, type of device information, application information, (e.g. col. 1, lines 51 – 67), but does not specifically teach branding information, device serial number information, and last time used information.

42. Anderson teaches branding information, device serial number information, (e.g. col. 7, lines 13 – 20).

43. Cook teaches last time used information, (e.g. col. 10, lines 30 – 50). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson and Cook with Ward because providing device information to a central location would give the system information to bill the user for services rendered.

44. As per claim 11, as closely interpreted by the Examiner, Ward does not specifically teach the branding information is prespecified in the device. Anderson teaches the branding information is prespecified in the device, (e.g. col. 7, lines 13 – 20). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Anderson with Ward because it would be more efficient for a system to establish a connection with devices that are recognized within the company that develops the hardware and software purchased.

45. As per claim 12, as closely interpreted by the Examiner, Ward teaches the account information is input by a user, (e.g. col. 1, lines 51 – 67).

46. Claims 18 are rejected for similar reasons as stated above.

47. Claims 29 and 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson (6636259) in view of Cook (6636259).

48. As per claim 29, as closely interpreted by the Examiner, Anderson does not specifically teach determining a sufficiency of a payment from a payor. Cook teaches determining a sufficiency of a payment from a payor, (e.g. col. 21, lines 11 – 29). It would have been obvious to one of ordinary skill in the art at the time the invention was made to combine Cook with Anderson because of similar reasons stated above. Furthermore, it would be more beneficial for a

Art Unit: 2143

system to keep track of services rendered by a service provider and to keep users that are delinquent on payments, out of the system until such payment is received for services rendered.

49. As per claim 30, as closely interpreted by the Examiner, Anderson teaches the payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser, (e.g. col. 4, lines 10 – 24).

Response to Arguments

50. Applicant's arguments filed 02/05/2005 have been fully considered but they are not persuasive.

51. In the Remarks, Applicant argues in substance that the limitation of, “the information received at the service aggregator is selected from the group consisting of device attribute information, branding information, account information, device serial number information, type of device information, application information, and last time used information”, can be found in paragraph [0030] in light of Fig. 3. Also the limitation of, “payor is selected from the group consisting of a subscriber, a non-subscriber, a sponsor, and an advertiser”, can be found in paragraph [0044] in light of Figs. 6 and 7.

52. As to part 1, Examiner see not disclosure of the service aggregator selected form neither a group nor the payor being selected from a group. There are no drawings or disclosures in the specification that teach the act of selecting either a service aggregator or a payor.

53. In the Remarks, Applicant argues in substance that Ward does not teach the service aggregator receives information from the device first.

Art Unit: 2143

54. As to part 2, Examiner would like to point out to the Applicant that there is no statement of the service aggregator receives information from the device first. Other elements that are lacking in the broad claim language are; the claim language does not state in any part what the “service aggregator” could be nor what the “device” could be, example, a device could be a computer, camera, storage device, network adapter, etc. A “service aggregator” could also be the same as the device or anything described in the list above. Furthermore, it is not stated that the “service aggregator” is separate from the “device”, example, the “service aggregator” could be a memory card with configuration information that is inserted into the “device” or vice versa. It could further be interpreted that the “service aggregator” is a server behind and ISP gateway. Also, the claim language does not disclose what the “information” is or what is contained in the information. The “information” could be status information, driver information, pictures, video, etc. Applicant is suggested to amend the claim language to specifically state what information is being transmitted and to what specific types of devices are in the transaction. Doing so could overcome the prior art and would aid in further prosecution of the application.

55. In the Remarks, Applicant argues in substance that Ward does not teach transmitting information from the service aggregator to the device directing the device to communicate with a service provider.

56. As to part 3, Examiner would like to draw the Applicant’s attention to the above response to Applicant’s arguments, for there is similar questions to the claim language that can be applied to this response, example what is a “service aggregator”, “device” and what is in the “information”. Furthermore, Applicant states that Ward discloses sending configuration

Art Unit: 2143

information to the device (camera) from a first device such as a personal computer. As stated above the personal computer could be interpreted as a “service aggregate” until the Applicant can amend the claims to further limit the interpretation of “service aggregate”. The configuration information that is given to the device from the personal computer has connection parameter that can be read from a memory card 30, (e.g., col. 4, lines 1 – 15). Memory card 30 is given this information from the personal computer, (e.g., col. 3, lines 1 – 14). This configuration information allows the device to communicate with a service provider, (e.g., col. 4, line 1 – col. 5, line 17). Applicant further states that the service aggregator sends service provider information to device. This is not found in the claim language what is found is that “information” is sent from a “device” to a “service aggregator” and the “information” is sent back. There is no mention of service provider information in the independent claim 1.

57. Furthermore, when reviewing a reference the applicants should remember that not only the specific teachings of a reference but also reasonable inferences which the artisan would have logically drawn therefrom may be properly evaluated in formulating a rejection. In re Preda, 401 F. 2d 825, 159 USPQ 342 (CCPA 1968) and In re Shepard, 319 F. 2d 194, 138 USPQ 148 (CCPA 1963). Skill in the art is presumed. In re Sovish, 769 F. 2d 738, 226 USPQ 771 (Fed. Cir. 1985). Furthermore, artisans must be presumed to know something about the art apart from what the references disclose. In re Jacoby, 309 F. 2d 513, 135 USPQ 317 (CCPA 1962). The conclusion of obviousness may be made from common knowledge and common sense of a person of ordinary skill in the art without any specific hint or suggestion in a particular reference. In re Bozek, 416 F.2d 1385, 163 USPQ 545 (CCPA 1969). Every reference relies to some extent

Art Unit: 2143

on knowledge of persons skilled in the art to complement that which is disclosed therein. In re Bode, 550 F. 2d 656, 193 USPQ 12 (CCPA 1977).

58. In the Remarks, Applicant argues in substance that for the same two reasons cited above in the claim 1, Applicant submits that claim 17 is not anticipated by Ward.

59. As to part 4, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

60. In the Remarks, Applicant argues in substance that the Office has cut and pasted sequential events that occur in Anderson out of sequence to match those of Applicant's claim 13.

61. As to part 5, Examiner agrees with Applicant in that Anderson does teach all the limitations disclosed in claim 13. Furthermore, it is not stated in the claim language that the method is in a specific sequence.

62. In the Remarks, Applicant argues in substance that for the same reasons discussed above in claim 13, claims 19 – 24 and 27 – 29 are not anticipated by Anderson.

63. As to part 6, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Art Unit: 2143

64. In the Remarks, Applicant argues in substance that Ward in view of Morris does not disclose or suggest the limitations of claim 3. Furthermore, Applicant submits that there is no motivation to combine these references. Also, combining Morris with Ward is not possible without extensive modification of Ward because Ward gets configuration information from a host PC 12 and Ward does not provide a way for the communications network 40 to update the memory.

65. As to part 7, Examiner would like to draw the Applicant's attention to the above ambiguous claim language in regards to what a "device" and "service aggregator" would be. Furthermore, it would be obvious to one of ordinary skill in the art to combine Morris with Ward since Ward can already utilize a camera to communicate to a service provider and Morris discloses the same type of communication it would only be obvious to send other types of information to the cameras such as update information, as stated in Morris.

66. Also, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

67. Furthermore, it would be more efficient to combine the two pieces of prior art because utilizing a wireless download of information from a web server becomes a focal point for accessing and managing a plurality of cameras or "devices" that otherwise would have to be

Art Unit: 2143

managed and configured separately, or wireless download could be utilized for implementing commands and transmitting data, thus providing an inexpensive method for providing remote access to cameras.

68. In the Remarks, Applicant argues in substance that Ward in view of Mighdoll does not disclose or suggest limitations as Applicant has claimed in dependent claim 5, nor is there a reason to combine Ward and Mighdoll.

69. As to part 8, Examiner would like to draw the Applicant's attention to part 1 of the response to Applicant's arguments for they hold equal weight in this response to Applicant's arguments in view of what a "service aggregator" and a "device" could be. Further what specific information is being updated.

70. Also, in response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

71. In the Remarks, Applicant argues in substance that Ward in view of Anderson do not disclose or suggest limitations as claimed in claim 9 and Ward specifically needs to have preloaded configuration information to communicate with the online server. The Office's

Art Unit: 2143

rationale that this “ISP info and returning new ISP into, may be omitted” is against both the teaches in Ward and Anderson. Ward certainly teaches away from this and to remove this capability from Ward would render Ward unworkable.

72. As to part 9, Examiner would like to point out to the Applicant that Ward is not intended for the rejection of claim 9, Anderson is relied upon more. Also, in response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

73. Furthermore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

74. In the Remarks, Applicant argues in substance that they are not sure what the Office means by “closely interpreted”. Furthermore, neither Anderson nor Cook in view of Ward disclose or suggest these limitations as Applicant has claimed in either claim 1 or dependent claim 10.

75. As to part 10, Examiner would like to point out that the meaning of “closely interpreted” is utilized because of the broad claim language and that the Examiner, in light of drawing objections and 112 rejections, will still attempt to examine the presented claims as “closely interpreted” by what is well known in the prior art.

76. As to Ward, Anderson and Cook, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

77. In the Remarks, Applicant argues in substance that for the same reasons discussed above in claims 19 – 24 and 27 – 28, Anderson lacks elements of Applicant's claim 27. The addition of Cook does not cure lack of these elements nor does the combination of Anderson and Cook disclose, suggest, or make obvious what Applicant's claim 29 claims.

78. As to part 11, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

Conclusion

79. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

Art Unit: 2143

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David E. England whose telephone number is 571-272-3912.

The examiner can normally be reached on Mon-Thur, 7:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David A. Wiley can be reached on 571-272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

David E. England
Examiner
Art Unit 2143

De



DAVID WILEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100